

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for February 18, 2004 PLANNING COMMISSION MEETING

P.A.S.: Change of Zone #04004

PROPOSAL: From R-3, Residential to O-2, Suburban Office district.

LOCATION: Located on the southwest corner of S. 84th Street and Pioneers Blvd.

LAND AREA: 1 acre, more or less.

CONCLUSION: While the Land Use plan indicates the area should be urban residential, due to the widening of Pioneers Boulevard and 84th Street and the land-locked nature of the parcel from adjacent streets, this change to O-2, which is a very restrictive office district, is acceptable.

<u>RECOMMENDATION:</u>	Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 63 I.T.

EXISTING ZONING: R-3, Residential.

EXISTING LAND USE: Single family detached residential.

SURROUNDING LAND USE AND ZONING:

North:	O-2, Suburban Office	Offices
South:	R-3, Residential	Residential
East:	O-3, Office Park, AGR, Agricultural Residential	Offices, residential
West:	R-3, Residential	Residential

COMPREHENSIVE PLAN SPECIFICATIONS: This area is shown as Urban Residential in the Comprehensive Plan. (F-25)

"The land use plan displays the generalized location of each land use. It is not intended to be used to determine the exact boundaries of each designation. The area of transition from one land use is often gradual. The Comprehensive Plan also encourages the integration of compatible land uses, rather than a strict segregation of different land uses". (F-27)

The area to the north is shown as Urban Residential but is zoned O-2. (F-27)

The area to the east is indicated as a Neighborhood Commercial center. (F-41)

"New ... commercial uses should not encroach upon, or expand into, existing neighborhoods". (F-41)

"Commerce Centers should be developed as integrated centers – "four corner commercial development" should be discouraged. Centers should be appropriately dispersed throughout the community to support convenience of access and to lessen impacts on infrastructure." (F-41)

HISTORY: Change of Zone #3138 from R-1 to O-2 (to the north) was approved by the City Council on August 3, 1998.

Special permit #1722 Pioneer Greens CUP, Change of Zone #3112 from AG to R-3 and O-3 and Use permit #108 (to the east) were approved by City Council on July 20, 1998.

Special Permit #1498, Pagoda Pine CUP (to the west) was approved by City Council on December 19, 1994.

During the 1979 Zoning Update the area was converted from A-1 to R-3.

TRAFFIC ANALYSIS: S. 84th Street is classified as an urban principal arterial and Pioneers Boulevard is classified as an urban minor arterial (F-103). Both streets are scheduled for widening at the intersection. Both are to be 4 lanes plus a center turn lane (F-105). Both widening projects are currently committed projects in the 2004 CIP. (F-109)

ALTERNATIVE USES: Remain single family, be redeveloped with adjacent single family lots for multi-family or other residential use.

ANALYSIS:

1. This is a request to change the zoning from R-3, Residential to O-2, Office.
2. This lot fronts S. 84th Street and Pioneers Boulevard, both of which will require widening in the near future and need to acquire additional right-of-way.
3. The applicant indicates that due to the future widening projects, and the resulting loss of mature pine trees that currently screen the property, there has been little interest of anyone to buy the property for residential use. The property has been on the Multiple Listing Service since August 2002. The property was marketed as commercial from the beginning of its listing period, which may explain why there was no interest in the use as a single family residence.
4. The applicant indicated that the potential user of the proposed office zoning would reuse the existing building and add a parking lot, however, the existing building could be demolished and a new office building erected at any time.

5. The applicant requested O-2 rather than O-3 because of the minimum acreage requirement of the O-3 district of 2 acres. There is a 2 acre minimum for O-3, but the applicant can become part of the existing O-3 district to the east if so desires. The Planning Department does not see an added value to the O-3 over the O-2 district at this time. The O-3 district requires a use permit and added site plan review, however, the Planning Department feels this may be extraneous in this case.
6. The Public Works and Utilities Department determined that the access to the property will be right-turn in and out only to 84th Street so that there is no negative impact on the surrounding infrastructure. The Public Works and Utilities Department indicated that the office use will generate some additional traffic over and above a residential use, but that they do not object to the change of zone. The Public Works and Utilities Department indicated that the small size of the lot minimizes any adverse traffic impacts.
7. The lot will be less than 1 acre in size once the additional right of way is taken for the widening of Pioneers Boulevard. Because the lot is so small, it is difficult for the residential use to buffer itself from the arterial roadways, making it undesirable. There are several cases of residential corner lots on two 4 lane arterial streets in Lincoln, however, most of those are larger than 1 acre in size. Due to the configuration of the lot the access can be located outside a turn lane, minimizing traffic conflicts.
8. While the Comprehensive Plan indicates this specific area as Urban Residential, the Planning Department recognizes that in the specific situation of this lot, a residential use may not be realistic at this time. The proposed O-2 zoning district requires significant screening between residential and office zoning and only allows office and related uses.
9. The Comprehensive Plan discourages the encroachment into existing neighborhoods, however, Planning Staff believes this is not an encroachment. Traffic will not be traveling through the neighborhood, additional required screening will help buffer the lot from its residential neighbors.
10. The Planning Department does not support any future expansion of this lot, use or zoning district beyond its current proposal. The two abutting single family residential lots do not have the same circumstances as this lot and will not be considered as favorable candidates for re-zoning to any use other than residential. Planning staff opposed the O-2 zoning north of this property, although the City Council (4-2) approved the request at the recommendation of the Planning Commission (7-1).

Prepared by:
Becky Horner
Planner

DATE: January 30, 2004

APPLICANT: Brian Carstens and Associates
& CONTACT: 601 Old Cheney Road, Suite C
(402)434-2424

OWNER: Brian & Kym Pinkerton
4301 S. 84th Street
(402)486-3434

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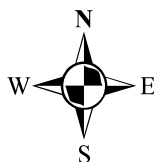
Change of Zone #04004 S. 84th St. & Pioneers Blvd

2002 aerial

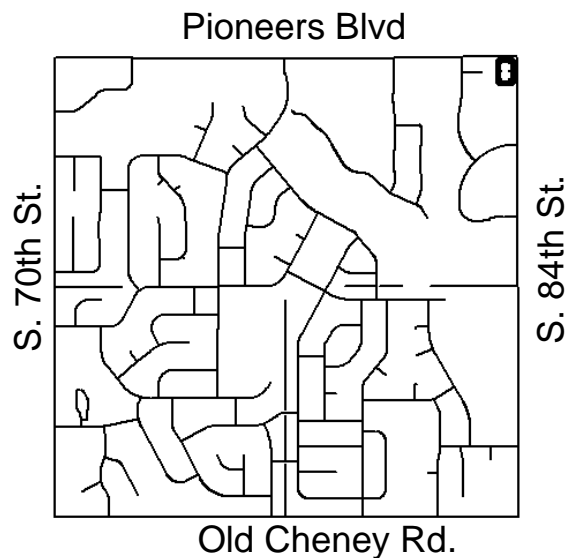
Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

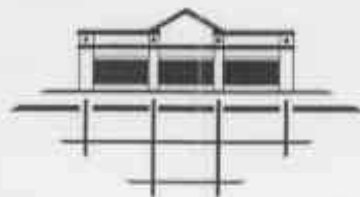
One Square Mile
Sec. 10 T9N R7E



Zoning Jurisdiction Lines
City Limit Jurisdiction



Lincoln City - Lancaster County Planning Dept.



BRIAN D. CARSTENS AND ASSOCIATES

LAND USE PLANNING RESIDENTIAL & COMMERCIAL DESIGN

601 Old Cheney Road, Suite C Lincoln, NE 68512 Phone: 402.434.2424

January 20, 2004

Mr. Marvin Krout, Planning Director
City of Lincoln/ Lancaster County
555 South 10th Street
Lincoln, NE 68508

RE: CHANGE OF ZONE FROM 'R-3' TO 'O-2'
SOUTHWEST CORNER- SOUTH 84TH AND PIONEERS BLVD.

Dear Marvin,

On behalf of Brian and Kym Pinkerton, the current property owners, I am requesting a Change of Zone from R-3 to O-2 on the property located at the southwest corner of South 84th and Pioneers Boulevard. This property is a little over an acre at this time. The City of Lincoln is negotiating with the Pinkerton's to purchase additional right of way and easements for the eminent widening of South 84th Street. The existing pine trees and screening will be lost with the proposed widening of South 84th Street.

The property has been on the market for quite some time. There has been little or no interest in this property as a single family residence once the widening takes place. The complexion of the property will change greatly.

Last week the Pinkerton's entered into a purchase agreement to sell the property to Van Duling Tour and Travel. Thus the request for a change of zone to O-2 is being requested.

Van Duling Tour and Travel, plans on remodeling the existing residence converting the main level and garage into office areas. The basement will be used for a break room and associated storage. A new parking lot for approximately 8 vehicles will be required for their intended use. All new construction will comply with the requirements of the Lincoln Municipal Code, relating to parking lot design standards, zoning regulations/ setbacks and landscape screening. No other changes are planned for the property at this time.

The property is surrounded by 'O-2' office to the north, 'O-3' office park to the east, 'R-3' single family to the south and 'R-3' single family with a special permit for a cellular tower to the west.

We would have applied for a change of zone to 'O-3', however we do not have the minimum land area of 2 acres.

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We feel this is going to be an appropriate land use based on the existing zoning patterns, and the removal of mature trees during the widening of South 84th Street.

Please feel free to contact me if you have any further questions regarding this application.

Sincerely,



Brian D. Carstens

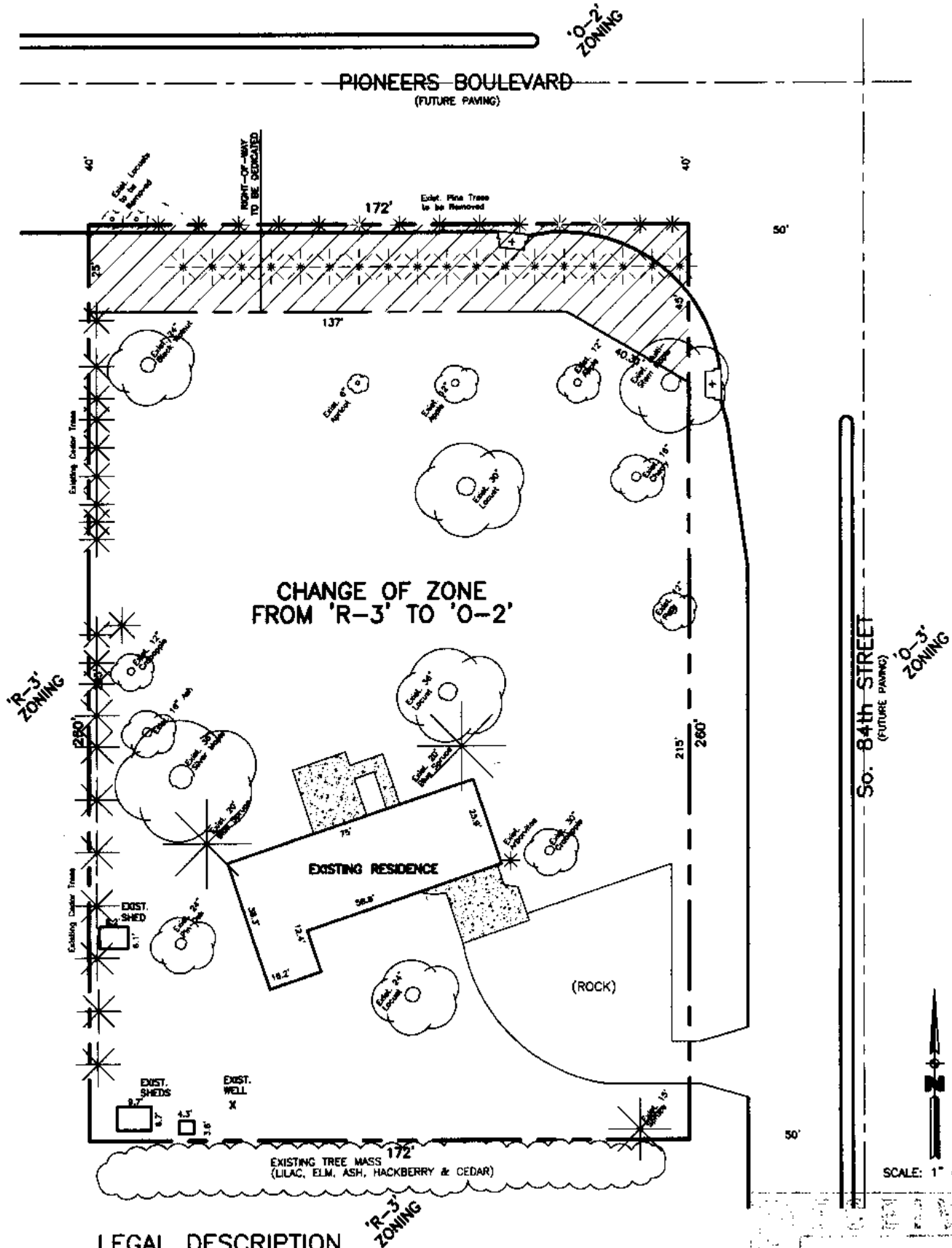
Enclosures: Application for a Change of Zone
Application Fees of \$740.00
Plat of Proposed Change of Zone
Existing Site Plan of 4301 South 84th Street

cc. Brian & Kym Pinkerton
Steve Stromberg- Van Duling Travel
Mike Thomalla and Larry Corbett- Woods Bros. Realty



CHANGE OF ZONE EXHIBIT

FROM 'R-3' TO 'O-2'



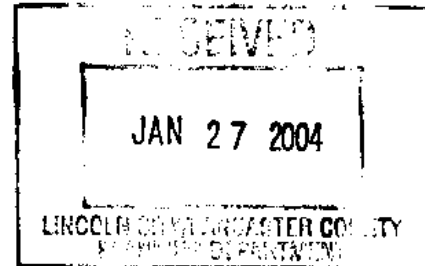
LEGAL DESCRIPTION

LOT 63 IRREGULAR TRACT LOCATED IN THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 9 NORTH, RANGE 7 EAST, OF THE 6TH P.M., LINCOLN, LANCASTER COUNTY, NEBRASKA.

JAN 20 2004

M e m o r a n d u m

To: Rocky Horner, Planning Department
From: Dennis Bartels, Engineering Services
Subject: Change of Zone R3 to O2 at 84th & Pioneers
Date: January 26, 2004
cc: Randy Hoskins
Clint Thomas
Thomas Shafer



Engineering Services has reviewed the proposed change of zone from R3 to O2 for Lot 63 I.T. at the southwest corner of 84th and Pioneers and have the following comments:

1. Access to the property will be right-turn in and out only whether the property remains residential or is changed to O2.
2. The plan submitted as part of the application shows a right-of-way dedication along Pioneers Boulevard. The City is negotiating to purchase this right-of-way as part of the 84th Street widening project.
3. Although the office we described will generate some additional traffic over the existing residential use, I do not object to the change of zone. The small size of the lot will minimize any adverse traffic impacts.